matter. Accordingly, applicants respectfully request that the amendments herein be entered. Upon entry of the amendments herein, claims 1-14 and 16-33 will be pending in this application.

In the April 17, 2002 Office Action, The Examiner stated that restriction to one of the five following groups of claims is required:

I. Claims 1-16, directed to cdk inhibitors of formula 1;

II. Claims 17-20, directed to compositions containing only cdk inhibitors as the active ingredient;

III. Claims 34, 35, 38, 39, 42, 43, 46, 47, 50, 51, 54, and 55, directed to compositions containing multiple active ingredients;

IV. Claim 21-33, directed to method of treatment with one active ingredient; and

V. Claims 36, 37, 40, 41, 44, 45, 48, 49, 52, 53, 56, and 57, directed to methods of treatment comprising multiple active ingredients.

In response to the aforementioned requirement, applicants elect Groups I, II, and IV without traverse. Accordingly, applicants have canceled the claims in Groups III and V, without prejudice. Among Groups I, II, and IV, applicants elect the claims of Group I, with traverse.

Applicants traverse the restriction of the claims of Groups I, II, and IV. The Examiner has argued that the compositions of Group II may utilize other active ingredients other than those of Group I. The Examiner has further argued that the "products" (presumable the compounds of formula 1 (Group I)) are capable of more than one use and that the methods (Group IV) may be practiced with products other than those of the instant product claims. The Examiner has also argued that to not restrict would be burdensome.

Applicants have reduced the extent of the search and examination that the Examiner would have to perform, since applicants have canceled the claims of Groups III and V. Furthermore, applicants are claiming pharmaceutical compositions comprising a cdk5 inhibitor, and in one embodiment a compound of formula 1. Although pharmaceutical compositions comprising a different active ingredient may be able to treat the same indications, such compositions do not treat the same indications in the same way as the instant compositions. Moreover, a search of the compounds of formula 1 would generally be likely to uncover any art, if such exists, pertaining to pharmaceutical compositions comprising compounds of formula 1.

With respect to the methods of using a cdk5 inhibitor, in one embodiment a compound of formula 1, although the indications treatable by such methods may be treatable by a different active ingredient, such treatment is not the same treatment; such hypothetical treatment would involve a different mechanism. Therefore, applicant maintains that the claims of Groups I, II, and IV share a common core "principle", namely use of a compound that has activity inhibiting cdk5, one embodiment being compounds of formula 1.

For the aforementioned reasons, applicants maintain that restriction of the claims of Groups I, II, and IV would be improper, and applicants respectfully request that the Examiner reconsider and withdraw such restriction.

The Examiner further asserted that the above groups themselves are inclusive of patentably distinct subject matter. In this regard, the Examiner stated that claims 1, 17, and 21 are generic to a plurality of disclosed allegedly patentably distinct species. The Examiner required that applicants elect a single disclosed species, even if such requirement is traversed. The Examiner further stated, however, that upon elections of a single disclosed species, a generic concept inclusive of the elected species would be identified by the Examiner for examination along with the elected species.

In response to this second requirement, applicants elect, with traverse, the title compound of Example 1, on page 48 of the specification, namely *N*-(1-cyclobutyl-1H-imidazol-4-yl)-2-quinolin-6-yl-acetamide. Applicants further elect, with traverse, treatment of Alzheimer's disease [with the title compound of Example 1]. Applicants traverse the Examiner's requirement because all of the compounds of formula 1 share a common structural core, and furthermore all of the methods of treatment have in common utilization of the same mechanism of inhibition of cdk5 and/or GSK3β. Furthermore, to require an applicant to file a separate patent application on every indication and/or on every compound that is part of the applicant's invention would be unduly burdensome, and perhaps cost prohibitive, on the applicant. It would therefore deny the applicant his right to protect his invention from competitors. In other words, the "quid" of disclosure of novel and patentable invention to the public would not be matched with the "quo" of the option to obtain patent protection for said invention.

Based on the above, applicants respectfully request that the Examiner reconsider and withdraw this second restriction requirement.

Claims 1, 2, 4, 5, 6, 10, 12, 13, 14, and 16 read on the elected species. If the Examiner withdraws the restriction between Groups I, II, and IV, then claims 17, 27, 28, and 33 also read on the elected species.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney kindly invites the Examiner to telephone her at the number provided.

No fee is believed necessary for filing the subject Amendment. However, should any fee be determined necessary in connection with the filing of this Amendment, authorization is given to charge such fee to Deposit Account No. 16-1445.

Respectfully submitted,

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